

Remarks

Claims 1-45 are pending in the above-identified patent application.

Claim 26 has been amended to correct for a typographical error.

Applicant respectfully requests reconsideration and further examination of the application in view of the remarks below.

Restriction

Claims 1-45 stand subject to Restriction under 37 C.F.R. 1.499 as follows. The Office has requested the Applicant to elect one of the following asserted invention groups:

- Group I (claims 1-11); or
- Group II (claims 12-15 and 31-37); or
- Group III (claims 16-19); or
- Group IV (claims 20-22); or
- Group V (claims 23-30); or
- Group VI (claim 38); or
- Group VII (claims 39); or
- Group VIII (claims 40-45).

Applicant hereby elects to prosecute Group V (claims 23-30), with traverse. Applicant respectfully requests reconsideration of the restriction as based on PCT Rule 13.1. In the least, the claims corresponding to Group V (claims 23-30) and Group VI (claim 38) should be examined together because of the common special technical feature present in these claims.

In addition, the Office has requested that the Applicant elects from one of the following groups:

- (A). SEQ ID No: 1 (DNA)
- (B). SEQ ID No: 2 (protein, *E. coli*).
- (C). SEQ ID No: 3 (DNA)
- (D). SEQ ID No: 4 (protein, *Klebsiella pneumoniae*).
- (E). SEQ ID No: 5 (DNA)
- (F). SEQ ID No: 6 (protein, *Salmonella typhimurium*).

Applicant hereby elects to prosecute Group D (SEQ ID No. 4 – protein, *Klebsiella pneumoniae*), with traverse. The Applicant notes that, at least with regard to the proteins, there is a

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Group Art Unit: 1652
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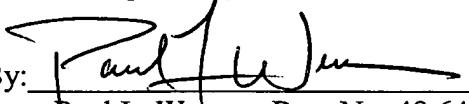
commonality in that they are KDPGal aldolases. Restriction to a particular species of KDPGal aldolase should not be imposed on the Applicant.

Conclusion

Approval of the application and allowance of the claims are earnestly solicited. In the event that a phone conference between the Examiner and the undersigned would help resolve any issues in the application, the Examiner is invited to contact undersigned at (651) 275-9835.

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Respectfully Submitted,

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